

## **II. REMARKS**

### **A. Regarding the Interview**

Applicant wishes to thank Examiner Saucier for the helpful and courteous interview. During the interview, Examiner Saucier discussed the present invention with the inventor, Dr. Chiang, and the proposed amendments to claims 1 and 12 with applicant's representative in terms of overcoming Section 102 and Section 103 rejections. Applicant now formally submit the proposed amendments as discussed during the interview.

### **B. Regarding the Amendments**

Claims 1-20 and 25 are pending. Claims 25 is newly added while claims 1, 10-12, and 19-20 have been amended. Specifically claim 1 has been amended to recite that the concentration of the sodium ion is at a level so that in the presence of chloride ion  $\alpha$ -amylase is substantially activated by the sodium ion in proportion to the amount of chloride ion. Support can be found, *inter alia*, at page 9, lines 3-5, 9-15 and page 10, lines 10-13, 20-21 in the specification.

Claim 12 has been amended to recite that the composition is substantially free of chloride ion and a calcium ion source capable of releasing calcium ion in the presence of chloride ion and  $\alpha$ -amylase. Support can be found, *inter alia*, at page 10, lines 22-24 and page 11, lines 1-24 in the specification.

Claims 10-11 and 19-20 have been amended to recite that said sodium ion is in the form of sodium citrate or sodium acetate as suggested by the Examiner.

Claims 25 has been added to recite that  $\alpha$ -amylase is not substantially activated by calcium ion.

No new matter is added by the amendments. Entering of the amendments is respectfully requested.

### **C. Rejections under 35 U.S.C. § 112, second paragraph**

Claims 11, 19 and 20 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully submits that claims 11, 19 and 20 as amended clearly overcome such rejection. Specifically claims 11, 19 and 20 have been amended to replace “sodium ion is” with “sodium ion is in the form of” (sodium citrate or sodium acetate). Withdrawal of the rejection is respectfully requested.

#### **D. Rejections under 35 U.S.C. § 102**

*The rejection of claims 12-17 under 35 U.S.C. § 102(b), as allegedly being anticipated by JP 01-181799 is respectfully traversed.*

The Office Action states that JP 01-181799 discloses a composition that anticipates the claimed composition at issue. Applicant respectfully points out that the composition disclosed in JP 01-181799 does not contain each and every element recited in the amended claims 12-17.

Specifically claim 12 has been amended to recite that “the composition is substantially free of chloride ion and a calcium ion source capable of releasing calcium ion in the presence of a chloride ion and  $\alpha$ -amylase.” In contrast, the composition disclosed in JP 01-181799 contains a calcium ion source, *e.g.*, 15 mg of calcium ethylenediamine tetracetate (page 5, under the First reagent.), within which calcium ion is capable of being released or competed away from EDTA to bind to  $\alpha$ -amylase in the presence of chloride ion and  $\alpha$ -amylase. Thus the composition disclosed in JP 01-181799 does not anticipate the claimed composition at issue. Withdrawal of the rejection is respectfully requested.

#### **E. Rejections under 35 U.S.C. § 103**

*1. The rejection of claims 1-10 under 35 U.S.C. § 103(a), as allegedly being obvious over JP 01-181799 is respectfully traversed.*

The Office Action states that the method disclosed in JP 01-181799 makes the claimed methods at issue obvious. Applicant respectfully points out that the method disclosed in JP 01-181799 does not make the methods described in claims 1-10 obvious because it does not teach or suggest activating  $\alpha$ -amylase by using sodium ion, instead it discloses activation of  $\alpha$ -amylase by using calcium ion.

Specifically claim 1 as amended recites that “the concentration of the sodium ion is at a level so that  $\alpha$ -amylase is substantially activated by the sodium ion in proportion to the amount of the chloride ion in said sample.” In contrast, JP 01-181799 discloses a method

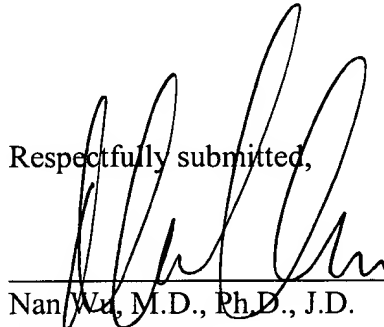
directed to using a high concentration of calcium ion, *e.g.*, 15 mg of calcium ethylenediamine tetracetate (which is capable of releasing calcium ion in the presence of chloride ion and  $\alpha$ -amylase) so that  $\alpha$ -amylase is substantially activated by the calcium ion in proportion to the amount of the chloride ion in said sample. (See page 5, First reagent.). The disclosure of JP 01-181799 does not teach or suggest that  $\alpha$ -amylase should be substantially activated by sodium ion in proportion to the amount of chloride ion in a sample. Therefore, the claimed method at issue is not obvious over the disclosure of JP 01-181799. Withdrawal of the rejection is respectfully requested.

In view of the amendment and the above remarks, it is submitted that the claims are in condition for allowance and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this application.

Date: \_\_\_\_\_

6/2/04

Respectfully submitted,



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